

REMARKS

Claims 1, 2, 4, 5, 7-10 and 12 are presented for consideration. Claims 1 and 9 are the independent claims.

Initially, Applicants wish to thank the Examiner for the courtesy extended toward their representative during a telephone conversation of August 4, 2006. The Examiner telephoned Applicants' representative in response to the Request to Withdraw Premature Finality of Office Action filed July 19, 2006, and indicated that the Request is being granted. The finality of the Office Action, therefore, is understood to be withdrawn.

In the claims, independent claims 1 and 9 have been amended to further distinguish Applicants' invention from the cited art.

Claims 1 and 9 stand rejected under 35 U.S.C. § 103 as allegedly being obvious over Ward '424, Abe (JP '889) and Sumikawa '817. In addition, claims 1, 2, 4, 5, 7 and 9-12 stand rejected as allegedly being obvious over Dimitrova '124 in view of Abe and Sumikawa. Finally, claim 8 is rejected as allegedly being obvious over Dimitrova in view Sumikawa, Abe and Ward. These rejections are respectfully traversed.

Applicants' invention as set forth in claim 1 relates to an image processing apparatus and includes an input unit for inputting first image data and icon image data, a determining unit for determining a display position of the icon image, and a display control unit for superimposing one of the first image and the icon image on the other and displaying the first and icon images on a monitor such that the icon image is positioned in the display position determined by the determining unit. The determining unit determines successively a plurality of display positions

different from each other as display positions of the icon image according to a predetermined shift pattern selected from a plurality of shift patterns, with the plurality of display positions being within a range of one to five pixels from the predetermined position.

Claim 9 is directed to an image processing method and corresponds substantially to claim 1. Claim 9 thus also recites that a plurality of display positions different from each other are successively determined as display positions of the icon image according to a predetermined shift pattern selected from a plurality of shift patterns, and wherein the plurality of display positions are within a range of one to five pixels from a predetermined position.

Support for the amendments to claims 1 and 9 can be found, for example, on page 16, line 6, through page 19, line 5, of the subject specification. In accordance with Applicants' claimed invention, a high performance image processing apparatus and method can be provided.

The first primary citation, to Ward, is directed to a system for modifying advertisement information on a display. In this regard, a television screen display 10 includes picture-in-picture (PIP) windows 12, 14 and 16 (*see* Figure 1). The PIP windows can be moved on the screen by use of a remote controller 26.

The second primary citation, to Dimitrova, relates to a television receiver having a "smart" picture-in-picture (PIP). A controller 26 analyzes content of a video signal forming a main picture and can automatically adjust the size and position of the PIP image so it does not obscure an important portion of the main picture.

The secondary citation to Abe relates to a display controller having a screen saver with a screen burning prevention function. Abe is relied upon for disclosing that a dynamic image window 42 is changed at every frame based on random numbers.

The tertiary citation to Sumikawa relates to a display apparatus and is used for its teaching of a second window positioned at a certain other position with respect to the cursor.

The Office Action asserts that the primary citations to Ward and Dimitrova teach all of the limitations of Applicants' independent claims, and that the Abe reference is used because it provides an automatic program control rather than a user performing such a task. The Office Action maintains that it would have been obvious that the techniques of Abe's system to automatically resize and reposition windows could be used with the Ward or Dimitrova systems so that the windows are resized, repositioned, etc., automatically until the user sees a combination that is ideal for their tastes and preferences. The Office Action also takes the position that Applicants' claimed range of one to five pixels is merely an obvious optimization, since one of ordinary skill in the art would be motivated to find an optimum range within a range.

In response to the Office Action, Applicants' wish to point out that both primary citations to Ward and Dimitrova are directed to PIP displays designed to move the PIP for the purpose of repositioning and resizing it to avoid overlapping certain images. The tertiary citation to Sumikawa shows a display in which a window is moved based on manipulation by the user. That leaves Abe as the reference relied upon for its teaching of a screen burning prevention function.

One of the advantages of Applicants' invention that is missing from all of the references, including Abe, is the ability to prevent burn in while also determining display positions according to a predetermined shift pattern that is more comfortable to the user. This advantage addresses a problem that is not even recognized in any of the applied art, including Abe. It is respectfully submitted, therefore, that it would not have been obvious to one skilled in the art to optimize a range without first recognizing the problem to which that range addresses. What is more, the claims are further distinguished by the feature of determining different display positions according to a predetermined shift pattern selected from a plurality of shift patterns. As discussed above, in Abe the window is randomly changed.

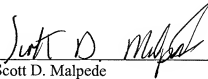
Accordingly, it is submitted that it would not have been obvious to one skilled in the art to combine either Ward or Dimitrova with Abe and Sumikawa in the manner to teach or suggest Applicants' invention as set forth in independent claims 1 or 9. Therefore, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103 are deemed to be in order and such action is respectfully requested.

Accordingly, it is submitted that Applicants' invention as set forth in independent claims 1 and 9 is patentable over the cited art. In addition, dependent claims 2, 4, 5, 7, 8, 10 and 12 set forth additional features of Applicants' invention. Independent consideration of the dependent claims is respectfully requested.

In view of the foregoing, reconsideration and allowance of this application is deemed to be in order and such action is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott D. Malpede", is written over a horizontal line.

Scott D. Malpede
Attorney for Applicants
Registration No. 32,533

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

SDM/emm

DC_MAIN 250229v1